

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08 cr 68**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>JACKIE WAYNE LAWS,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

THIS CAUSE coming on before the undersigned pursuant to an oral motion made by the defendant to strike surplusage from the indictment, pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure. At the call of this matter the defendant made a motion to strike from the bill of indictment the words as follows: “and having been convicted on or about August 2, 2006, in the Superior Court of Rutherford County, North Carolina, of a crime punishable by imprisonment for a term exceeding one year”. The government did not have any objection to the defendant’s motion to strike due to the fact the defendant had not sustained such a conviction.

**ORDER**

IT IS, THEREFORE, **ORDERED** that the motion of the defendant, pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure, to strike surplusage from the bill of indictment should be **ALLOWED**. It is therefore **ORDERED** that the following terms are to be stricken from the bill of indictment: “and having been

convicted on or about August 2, 2006, in the Superior Court of Rutherford County, North Carolina, of a crime punishable by imprisonment for a term exceeding one year”.

Signed: August 8, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

